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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/294,950 04/20/99 TOBIN

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EXAMINER

WEBB, C

ART UNIT

PAPER NUMBER

3653

DATE MAILED:

07/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/294,950

Applicant(s)

Tobin et al.

Examiner

Collin A. Webb

Group Art Unit

3653



☒ Responsive to communication(s) filed on May 15, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 5-8, 10, 13, and 14 is/are rejected.

☒ Claim(s) 3, 4, 9, 11, and 12 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

Applicant's arguments have been carefully considered, but are unpersuasive.

Applicant has broadened the claim to recite an assembly, rather than an armature. As a result, Wanat is that much more of an anticipating reference, as explained below.

With regard Applicant's assertion that element **27** in Gregory is not a housing, the Examiner asserts that element **27** is a housing as contemplated by the claims. Element **27** is a housing associated with the guiding apparatus (hence a guide housing), just as Applicant's housing **18** is a housing associated with the guiding apparatus. The term "guide housing" is broad, and is therefore broadly construed by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 7, 10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanat '664.

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Wanat '664 disclose a print media tracking guide comprising a guide housing **72** the guide housing being mounted in a printing apparatus and an assembly rotatably coupled to the guide housing, the assembly including a head member (the spiked wheel) selectively biased against the guide housing. The guide housing **72** rotates about a hinge (see Fig. 3), and it is that element about which the housing rotates that is the assembly.

With regard to claim 2, Wanat '664 disclose an overhang support **70**. Although Wanat '664 does not disclose or suggest an overhang, he clearly suggests an overhang *support*. An overhang support is any element capable of supporting an overhang.

With regard to claim 10, the overhang includes a slotted area (Fig. 4).

With regard to claims 13 and 14, the media tracking guide is on a hub in a printing apparatus.

Claims 1, 2, 5, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregory et al. '656.

Gregory et al. '656 disclose a print media tracking guide comprising a guide housing **27** the guide housing being mounted in a printing apparatus and an armature **24** rotatably coupled to the guide housing, the "armature" including a head member (the spiked wheel) selectively biased against the guide housing. The guide housing includes a core member **26** and overhang support **23** in spaced relationship with one another, the core member and overhang support being rigidly coupled to a flange portion. That is, whatever the overhang support and the flange portion are connected to, it is the flange portion of that part. The claim does not specify what part has a

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flange, or whether it is the same flange on the same part to which both the overhang and the core member are attached.

With regard to claims 13 and 14, the media tracking guide is on a hub in a printing apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanat '664.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to bias the head against the guide housing via a spring.

Allowable Subject Matter

Claims 3-4 and 9 and 11-12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art of record does not disclose or fairly suggest a media path along the outer peripheral portion of the core member.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Collin Webb whose telephone number is (703) 305-0233.


DONALD R. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

/CAW

July 10, 2000